

MINUTES OF A MEETING OF THE BOARD OF APPEALS
August 17, 2012

Chairperson Harvey Kaye called the meeting to order at 7:30 p.m. Board Members present: Vice Chair Victor Macdonald, Board Members Carol Rieg, Robert Chiswell, and Aaron Kotok. Staff present: Caroline Seiden, Planner, Trudy Schwarz, Community Planning Director, Kirk Eby, GIS Planner and William Chen, Attorney to the Board of Appeals.

I. APPROVAL OF MINUTES

Approval of the July 12, 2012 Minutes

Motion was made by Board Member Chiswell, seconded by Board Member Kotok, that the minutes of the July 12, 2012 Board of Appeals meeting be approved.

Vote: 5-0; Approved

Approval of the July 19, 2012 Minutes

Motion was made by Vice Chair Macdonald, seconded by Board Member Rieg, that the minutes of the July 19, 2012 Board of Appeals meeting be approved.

Vote: 4-0-1; Approved (Abstain: Rieg)

II. RESOLUTION

A-549— Steven Resnick for Verizon Wireless

The application requests a **Special Exception** to permit the construction of a **Telecommunications Facility** consisting of twelve (12) panel antennas, to be attached to the existing Pepco tower 86S on a Fort Worth power mount, as well as a ground equipment shelter and related equipment, within the Pepco right of way northwest of the intersection of Travis View Court and Travis Avenue, Gaithersburg, Maryland. The property is located in the R-A (Low Density Residential) Zone, with the proposed use allowed by Section 24-25(11) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code) subject to the review of the Board of Appeals.

Board of Appeals counsel William Chen briefly reviewed the draft resolution for Special Exception A-549, prepared by staff, in accordance with instructions by the Board. He advised the Board to make any changes they desire tonight and a clean copy of the resolution would then be prepared for the Chair's signature. Alternatively, if there are substantial changes, then the Board would not adopt a resolution tonight.

The Board carefully reviewed the draft resolution and made spelling, typographical and grammatical changes and also rearranged the order of the draft conditions. All Board members confirmed that the draft resolution was an accurate reflection of their thoughts, opinions, and conclusions and also reflected the 16 months of testimony.

Motion was made by Vice Chair Macdonald, seconded by Board Member Rieg, that Special Exception A-549 be approved with eight (8) conditions and the resolution be approved, as amended:

1. At such time as Verizon Wireless, its successors or assigns, ceases to operate this facility or it ceases to be operational, the antennas, cabinets, equipment shelter, and associated

- equipment shall be promptly removed by Verizon at its expense;
2. Verizon Wireless is to submit voice and data maps to the Board of Appeals within sixty (60) days after the equipment becomes operational;
 3. Verizon is to remove Landscaping Note #3 on Exhibit #332 (E) on the signature set of plans;
 4. Verizon is to submit a final approved printed copy of Exhibit #332 (A-L) subject to review by City staff for compliance with the Board of Appeals' directives;
 5. Verizon is to comply with the Landscaping Maintenance Plan shown on Exhibit #332 (E) and submit a monthly report on the maintenance of the landscaping to the Board of Appeals for the first six months following installation of the landscaping and quarterly reports thereafter for the following two years and six months;
 6. Any changes to the location of the equipment shelter or landscaping shall require Verizon to resubmit plans to the Board of Appeals for approval;
 7. Installation of antennas and associated equipment must be completed by August 17, 2014; and
 8. If the installation is not complete by August 17, 2014, Verizon must request a time extension, in writing, prior to August 17, 2014 and each subsequent year thereafter until such time as the installation is complete.

VOTE: 5-0; Approved

III. ADJOURNMENT

There being no more business to come before this meeting of the Board of Appeals, the meeting was adjourned at 8:30 p.m.